

and the Governor to be notified of the same as follows:

The Senate advises and consents to the appointment of the following persons to be pilot commissioners.

At Galveston:

J. S. Sawyer, Charles Fowler, G. B. Miller, J. S. Rogers and Thomas H. Sweeney.

At Brazos, Santiago:

Samuel Gilston, Elisha Kennedy, Fred Forto, Christian Hess and William Scanlon.

At Pass Carvallo:

J. M. Bickford, J. W. Hogan, Dan Simpson, H. W. Hawes and W. H. Smith.

At Aransas Pass:

R. D. Simpson, John Hall, John Anderson, John I. Caruthers and Charles Dean.

At the mouth of Brazos:

J. B. Bryan, A. Metcalf, G. A. Beall and W. Seaborn, of Velasco; and T. L. Smith of Columbia.

On motion of Senator Atlee,

The Senate adjourned till 10 o'clock to-morrow morning.

SIXTIETH DAY.

SENATE CHAMBER.
AUSTIN, March 22, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Upshaw,

Senator Harrison was excused until to-morrow, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 380, entitled "An act to validate the incorporation of the city of Henrietta, under the provisions of title XVII of the Revised Statutes, chapter 1,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 21, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 336, being "An act to amend article 4101, title 84, chapter 1, and article 4278, title 84, chapter 13 of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 21, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 369, entitled "An act to amend an act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1885,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Stephens:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on General Lands and Land Office, to whom was referred

Senate bill No. 377, entitled "An act to amend article 2376, chapter 1, title 42, of the Revised Civil Statutes of the State of Texas, regulating the fees of the General Land Office,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

STEPHENS,
Acting Chairman.

Bill read first time.

By Senator Kimbrough:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred.

House bill No. 601, a bill to be entitled "An act for the relief of William A. A. Wallace, and to grant him a certificate for twelve hundred and eighty acres of land,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

KIMBROUGH,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred,

House bill No. 366, a bill to be entitled "An act for the relief of Oscar Martin,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

KIMBROUGH,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Burges:

A bill to be entitled "An act to amend article 4761 of the Revised Civil Statutes of the State of Texas, as amended by an act approved March 30, 1887,"

[Providing that in monthly remittances of funds collected by tax collectors to the State Treasurer, they may, at their own risk, secure and send the same to the State Treasurer by express, or in postoffice orders; that the Comptroller may allow for the current rate of exchange, and that the collector, in his monthly statement,

shall also show what disposition he has made of all the funds collected.]

Referred to Committee on Finance.

By Senator Stephens:

Be it resolved, that on and after March 25, the Senate hold a night session, beginning at 8 o'clock, and that such session be devoted to local measures and House bills.

Ordered to lie over one day.

By Senator Frank:

A bill to be entitled "An act to amend section 71, of chapter 132 of an act passed at the special session of the Twentieth Legislature, approved May 14, 1888."

Relating to counties having the community system of public schools and providing the formation of districts in said counties.

Referred to Committee on Education.

By leave, the following reports were sent up.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 633, entitled "An act to amend article 975, title 24, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 188, entitled "An act amending title 95, chapter 4 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides further protection to the purchaser of real estate sold for taxes.

All of which is respectfully submitted

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 398, entitled "An act to amend article 4520, title 91, chapter 1, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendments, to-wit:

Strike out all after the enacting clause and insert the following:

Article 4520. Sheriffs shall have power by writing to appoint one or more deputies for their respective counties, to continue in office during the pleasure of the sheriff, who shall have power and authority to perform all the acts and duties of their principals, and every person so appointed shall, before he enters upon the duties of his office, take and subscribe to the oath of office prescribed by the Constitution, which shall be endorsed on his appointment, together with the certificate of the officer administering the same, and such appointment and oath shall be recorded in the office of the county clerk, and deposited in said office; provided, however, that the number of deputies appointed by the sheriff of any one county shall be limited to not exceeding three in the justice precinct in which is located the county site of such county, and in addition thereto not exceeding one for each five thousand inhabitants in such county. The number of inhabitants to be determined by the last census of the United States of America, preceding the date of appointment; and a list of these appointments shall be posted up in a conspicuous place in the clerk's office so that all can see them. Provided further, that no person shall be appointed a deputy sheriff who stands convicted for a felony, and an indictment for a felony of any deputy sheriff appointed shall operate as a revocation of his appointment as such deputy sheriff; provided, that any sheriff may appoint one deputy in addition to the above enumerated for each justice precinct in addition to the precinct where the county site is situated; and all sheriffs having more deputies than are provided for in this act shall make the number

of his deputies conform to the provisions of this act.

Whereas, The near approach of the end of this session renders it improbable that this bill may be read on three several days, an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

By Senator Burney:

COMMITTEE ROOM,
AUSTIN, March 21, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 384, entitled "An act to amend section 71, of chapter 132, of an act passed at the special session of the Twentieth Legislature, approved May 14, 1888,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time.

On motion of Senator Cranford,
The regular order of business was suspended to take up

Senate bill 242, a bill to be entitled an act to prescribe the time for holding district court in the eighth Judicial District of Texas.

The bill was laid before the Senate, read the second time and ordered engrossed.

On motion of Senator Davis,
The regular order of business was suspended to take up

House bill No. 410, a bill to be entitled "An act to amend an act passed at the regular session of the Twentieth Legislature, and approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, of chapter 5, title

13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881."

The bill was laid before the Senate and

Read the second time.

Senator Davis moved to

Strike out all after the word "State" in line 19, page 3 to and including line 21, page 4.

Adopted.

Senator Woodward moved to

Amend page 3, line 10, by striking out the word "Karnes" so far as applies to articles 423, 424, 425 and 426.

Adopted.

Senator Armistead moved to

Amend 430a. Marion county is hereby exempted from the provisions of article 426.

Adopted.

On motion of Senator Lane,

The bill as amended was postponed till to-morrow morning after morning call and made the special order for that hour.

On motion of Senator McDonald,

The regular order of business was suspended to take up

Senate bill No. 359, entitled "An act to amend an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or acting corporations or associations doing business within the State, and to provide the mode of serving process on such corporations or associations."

The bill was laid before the Senate and read the second time.

Senator McDonald offered the following amendment:

Amend by adding section 2: The near approach of the end of the present session rendering it improbable that this bill can be read on three several days, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is here by suspended.

Adopted.

The bill, as amended, was ordered engrossed.

On motion of Senator McDonald,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Claiborne,
Allen,	Cranford,
Armistead,	Davis,
Atlee,	Field,
Burges,	Finley,
Burney,	Frank,

Glasscock,
Ingram,
Johnson.
Kimbrough,
Maetze,
McDonald,
Pope,

Seale,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—3.

Lane,
Townsend.

Simkins,

The bill was read the third time and passed.

On motion of Senator Allen,

The regular order of business was suspended to take up

Senate bill No. 133, a bill to be entitled "An act to provide against the sale of unlawful weapons to minors and to affix a penalty for the violation thereof,"

As unfinished business.

The bill was laid before the Senate.

Senator Kimbrough moved to

Amend section 1 by striking out "twenty-one" in line 7, and insert "eighteen."

The amendment was lost by the following vote:

YEAS—9.

Claiborne,
Glasscock,
Johnson,
Kimbrough,
Lane,

Pope,
Sims,
Tyler,
Upshaw,

NAYS—16.

Abercrombie,
Allen,
Armistead,
Atlee,
Burges,
Burney,
Cranford,
Davis,

Field,
Finley,
Frank,
Maetze,
McDonald.
Seale,
Stephens,
Woodward.

ABSENT—1.

Ingram,
Simkins,

Townsend,

Senator Frank moved to

Amend section 1 by striking out in lines 1 and 2 the words "lend, or by any device;" and insert in lieu thereof the word "or."

Adopted.

Senator Frank moved to

Amend section 1, lines 9 and 10, by striking out the word "fifty" in line 9

and insert in lieu thereof the word "ten."

Adopted.

Senator Frank moved to

Amend by striking out section 2 of the bill.

Adopted.

Senator Frank moved to

Amend the caption by adding between the words "sale" and "of" the words "or gift."

Adopted.

Senator Davis moved to add after the word "age," in line 7, section 1, "without the consent of parents or guardians."

Adopted.

Senator Tyler moved to

Amend section 1 by inserting after the word "age" in line 7, printed bill, the following: "knowing such person to be under twenty-one years of age."

Adopted.

Senator Tyler moved to

Amend by adding to section 1 the following: "Provided that this act shall not apply to persons who sustain toward the minor the relation of parent or guardian."

Adopted.

Senator Kimbrough moved to

Amend by inserting the words "nigger shooters" after the word "knuckles" in the line.

Lost by the following vote:

YEAS—5.

Armistead,	Maetze,
Burney,	Seale,
Johnson,	

NAYS—21.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Atlee,	Lane,
Burges,	McDonald,
Claiborne,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Field,	Tyler,
Finley,	Upshaw,
Frank,	Woodward.
Glasscock,	

ABSENT—2.

Simkins, Townsend.

Senator Stephens moved to

Amend by adding to section 1, as amended, the words "provided that the provisions of this bill shall not apply to any minor whose disabilities have been removed by law."

Adopted.

Senator Seale moved to

Amend section 1 by inserting after the word "pistol," in line 3, the word "tobacco."

Lost.

The bill as amended was ordered engrossed by the following vote:

YEAS—19.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Claiborne,	Lane,
Cranford,	McDonald,
Davis,	Stephens,
Field,	Townsend,
Finley,	Upshaw,
Frank,	Woodward.
Glasscock,	

NAYS—7.

Atlee,	Seale,
Burges,	Sims,
Burney,	Tyler.
Maetze,	

ABSENT—2.

Pope, Simkins.

Senator Johnson entered a motion to reconsider the vote just taken.

On motion of Senator Stephens,

The regular order of business was suspended to take up

Senate bill No. 269, a bill to be entitled "An act to validate certain surveys which for any reason might be deemed invalid and to authorize the Commissioner of the General Land Office to issue patents therefor."

The bill was laid before the Senate and read the second time.

Senator Finley moved to

Amend by striking out the word "alternate" in lines 3 and 6, section 1.

Senator Stephens offered the following amendment to the amendment:

Amend by striking out the word "alternate" in line 3, section 1, and insert in lieu thereof the words "any valid land."

Amend section 1, line 6, by striking out the word "alternate."

Accepted.

The amendment as amended was adopted.

Senator Stephens moved to

Amend section 3, lines 2 and 3, by striking out the words "in good faith" and inserting in lieu thereof the words "by virtue of any locations or surveys made in accordance with the laws in force at the time of such location and survey."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Burney,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—27.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Ingram,	

NAYS—None.

ABSENT—1.

Pope.

The bill was read the third time and passed by the following vote:

YEAS—27.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Ingram,	

NAYS—None.

ABSENT—1.

Pope.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate, Governor and Lieutenant Governor and

other officers and employes of the State government, and the veterans of 1835, etc., and also the family and friends of General Sam Houston, be and are hereby cordially invited to attend a session of the House, to be held on the night of the twenty-second instant, for the purpose of unveiling and placing in position in the hall of the House a portrait of that lamented statesman, hero and patriot, General Sam Houston."

And further, that 8 o'clock this evening is the hour set apart for the unveiling of the portrait of General Houston.

The House refuses to concur in the Senate amendment to

Substitute House bill No. 574, "An act to amend chapter 11, title 84 of the Revised Civil Statutes of the State of Texas, so as to add thereto another article, to be known as article 4260a."

And asks for a conference committee.

The House refuses to concur in the Senate amendments to

House bill No. 36, "An act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the act of 1887, of an act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 27, 1887."

And asks for a free conference committee.

The House has passed

Senate bill No. 255, a bill to be entitled "An act to prevent the opening up of public roads across lands owned and used, or for actual use, by State, educational, eleemosynary or other public State institutions without the consent of the State, and to close roads heretofore opened across such grounds whenever the State deems it necessary,"

Under a suspension of the constitutional rule and by a two-thirds vote—yea, 84; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The President appointed as a free conference committee on House bill No. 36, Senators Stephens, Burney and Sims on the part of the Senate.

The President appointed as a conference committee on Substitute House bill No. 574 on the part of the Senate, Senators Field, Lane and Seale.

Senator Burges moved to accept the invitation of the House to witness the

unveiling of General Houston's portrait.

Adopted.

On motion of Senator Cranford,

The regular order of business was suspended to take up

Substitute Senate bills No. 50 and 52, a bill to be entitled "An act to provide for giving notice of attachments levied upon real estate."

On motion of Senator Cranford,

The substitute was adopted.

The substitute was read the second time and ordered engrossed.

By leave Senator McDonald sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate;

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 373, entitled "An act to authorize Mrs. Sarah A. Nichols, widow of Aquilla I. Nichols, to sue the State of Texas in the district court of Travis county, Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, together with the following amendments:

Amend section 2 by striking out all of section 2 down to and including the word "suit," and insert in lieu thereof the following:

"And judgment against the State finally established in this case, shall be a liquidated debt against the State, which shall be paid by the State."

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

Senator Pope sent up the following free conference committee reports:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

To Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House:

SIRS—Your free conference committee, to whom was referred the differences existing between the two houses on

Substitute Senate bill No. 247, entitled "An act to ratify and confirm the title of the Gulf, Colorado and Santa Fe Railway Company to the Central and Montgomery railroad, and to the Chicago, Texas and Mexican Central railroad, and to all property of the companies, which constitute said roads, and to au-

thorize said Gulf, Colorado and Santa Fe Railway Company to own and operate said roads under its charter."

Beg leave to report that they have had the bill under consideration, and report it back with the recommendation that it do pass with the following amendments, to-wit:

First. Insert in line 16 of the printed bill, after the word "claim" the words, "or charter obligation."

Second. Insert in line 17 of printed bill after the word "property" the words, "or its duty to the public."

Third. Insert after the word "claims," in line 20 of the printed bill the words, "and from all obligations to the public."

Fourth. After the word "made" in line 26 of the printed bill add the following: "Provided that if under its charter or existing laws the Central and Montgomery Railway Company is under obligation to maintain a depot at the town of Montgomery, where it was first established, and the Gulf, Colorado and Santa Fe Railway Company shall hereafter fail to maintain the same there, then all the rights granted hereby shall be forfeited to the State on proceedings that may be instituted by the Attorney General."

All of which is respectfully submitted.

POPE,
MCDONALD,
KIMBROUGH,
Senate Committee.

GRESHAM,
STRONG,
MCCOMB,
House Committee.

On motion of Senator Pope,
The report was adopted.

On motion of Senator Armistead,
The regular order of business was suspended to take up

House bill No. 84, a bill to be entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882."

Senator Claiborne offered the following amendment to the committee amendments pertaining to lightning rod agents:

"Provided, that the term lightning rods, as used in this bill, shall not apply to persons putting up political lightning rods, that are now being put up all over the State."

Lost.

Senator Lane moved to reject the committee amendment pertaining to cotton buyers.

Adopted.

The committee amendment pertaining to sewing machine agents was adopted.

The committee amendment pertaining to express companies was adopted.

Senator Woodward offered the following amendment to the committee amendment, pertaining to railroads, steamboats, etc.:

Amend by striking out the words "add the words 'freight and.'"

Adopted by the following vote:

YEAS—18.

Abercrombie,	McDonald,
Atlee,	Pope,
Burges,	Seale,
Burney,	Sims,
Cranford,	Stephens,
Davis,	Townsend,
Frank,	Tyler,
Ingram,	Upshaw,
Lane,	Woodward.

NAYS—10.

Allen,	Glasscock,
Armistead,	Johnson,
Claiborne,	Kimbrough,
Field,	Maetze,
Finley,	Simkins.

Senator Kimbrough moved to Change committee amendment so as to read, "one-half of one per cent on gross freight earnings."

Adopted by the following vote:

YEAS—15.

Abercrombie,	Frank.
Allen,	Glasscock,
Armistead,	Kimbrough,
Atlee,	Maetze,
Burney,	Seale.
Claiborne,	Simkins,
Field,	Townsend,
Finley,	

NAYS—13.

Burges,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Ingram,	Tyler,
Johnson,	Upshaw,
Lane,	Woodward.
McDonald,	

Senator Pope moved to take a recess till 3 o'clock p. m.

Senator Kimbrough moved to adjourn till 2:30 p. m.

The longest time being put first,

The Senate took a recess till 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Senator Field entered a motion to reconsider the vote by which the Senate adopted the minority (unfavorable) for the majority (favorable) committee report on

House bill No. 560, a bill to be entitled "An act to diminish the civil jurisdiction of the county court of Travis county."

After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate,

House bill No. 33, "An act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor, by adding thereto article 683b,"

And

House bill No. 242, "An act to attach Buchel and Foley counties to the county of Brewster for surveying purposes."

Senator Cranford sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 269, being "An act to validate certain surveys which for any reason might be deemed invalid, and to authorize the Commissioner of the General Land Office to issue patents therefor,"

And find the same correctly engrossed.

Cranford.
Chairman.

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 59, being "An act

to prevent causes of action for injury done the persons from abating upon the death of the injured person and to preserve same to his or her heirs and legal representatives,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 369, a bill to be entitled "An act to amend an act to re-enact section 28 of an act to redistrict the State into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April, 9, 1883, and to amend section 28 of said act, approved February 26, 1885,"

Under a suspension of the constitutional rule and by two-thirds vote, there being yeas, 80; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The Senate resumed consideration of

House bill No. 84, a bill to be entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882."

Senator Armistead moved to reject the committee amendment pertaining to persons running railroads, steamboats, etc., as amended by Senators Woodward's and Kimbrough's amendments.

The committee amendment, as amended, was rejected.

The amendment pertaining to loan agents was adopted.

Senator Allen offered the following amendment:

On page 8 strike out all after the word "dollars" in line 23, down to the word "from" in line 26.

Lost.

Senator Kimbrough moved to Amend by striking out lines 8, 9 10, on page 10, and insert the following:

From every person, firm, company or association of persons, pursuing in this State the occupation of loan agent or loan agents, an annual occupation tax, graduated by and to be paid upon the following scale:

When the capital represented by the agency amounts to ten thousand dollars or less, the said tax shall be at the rate of one-fourth of one per cent thereon; when over ten thousand and less than one hundred thousand dollars, at the rate of one-sixth of one per cent thereon; when one hundred thousand dollars and less than two hundred thousand dollars, at the rate of one-eighth of one per cent thereon; when over two hundred thousand dollars, the said tax shall be at the rate of one-tenth of one per cent thereon; provided, that in no event shall the tax in any one year be less than twenty-five dollars.

The capital referred to in this article is meant the amount of money or its equivalent held, owned or controlled by the agency or the person, firm or association of persons pursuing the occupation for investment or loan whether the same is within or out of the State.

The amount of capital so held, owned or controlled by those who may be due the occupation tax under this act shall be determined at any time during the year by

First. By the admissions of the loan agent of whom it is demanded.

Second. By the aggregate amount shown by county or other records to have been invested by the agent or agents.

Third. By the advertisement of the amount claimed to be held, owned or controlled for investment by him or them.

Fourth. In any other way convenient and suitable to the tax collector.

Every person who shall pursue the occupation of loan agent, and each and every member of a firm or association of persons engaged therein without the said person, firm or association having first obtained a license therefor shall be prosecuted and punished as prescribed in article 110 of the Penal Code.

On motion of Senator Armistead,

The amendment was tabled by the following vote:

YEAS—20

Abercrombie,	Atlee,
Allen,	Birney,
Armistead,	Davis,

Field,
Finley,
Frank,
Ingram,
Lane,
McDonald,
Pope,

Seale,
Simkins,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—4.

Cranford,
Glasscock,

Kimbrough,
Sims.

ABSENT—4.

Burges,
Claiborne,

Johnson,
Maetze.

Senator Lane moved to
Amend by striking out all of line 12,
down to and including line 17, page 10.
(Senator Cranford in the chair.)
Senator Stephens offered the follow-
ing substitute for the amendment:
Amend by striking out all of line
12, and down to the word "from," in
line 22.

Accepted.

(The President in the chair.)

Senator Field moved to

Amend by adding after the word
"State" in line 14, page 10, the follow-
ing words: "Or acting as general
agent or business manager in this
State for any such person, party, part-
nerships or corporation."

Adopted.

Senator Stephens amendment, as
accepted by Senator Lane, was lost.

Senator Townsend moved to recon-
sider the vote just taken.

On motion of Senator Upshaw the
motion to reconsider was tabled.

Senator Lane moved to

Amend by adding after the word
"taxation," line 17, page 7, the follow-
ing:

"Provided, that persons who form
a museum composed entirely of the
products of Texas, shall have the
right to exhibit same for a fee, with-
out paying any occupation tax."

Adopted.

Senator Davis moved to add be-
tween lines 72 and 73, page 7:

"For every bird shoot, when live
birds are used, fifty dollars"

Lost by the following vote:

YEAS—6.

Allen,
Atlee,
Cranford,

Davis,
Pope,
Woodward.

NAYS—20.

Abercrombie,

Kimbrough,

Armistead,
Burges,
Burney,
Claiborne,
Field,
Finley,
Frank,
Glasscock,
Johnson,

Lane,
McDonald,
Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw.

ABSENT—2.

Ingram,

Maetze.

Senator Davis moved to

Add between lines 43 and 44, on page
6, the following: "For every book
agent selling books and maps by sub-
scription, fifty dollars in each coun-
ty."

Senator Armistead offered the fol-
lowing amendment to the amendment:

Amend by adding before the word
"book agent" the word "male."

Senator Townsend moved to table
the amendment and the amendment
to the amendment.

Senator Barney called for a divi-
sion.

Senator Armistead's amendment
was tabled.

Senator Armistead moved to recon-
sider the vote by which his amend-
ment was tabled.

On motion of Senator Pope the mo-
tion to reconsider was tabled.

Senator Davis' amendment was ta-
bled.

Senator Simkins entered a motion
to reconsider the vote by which Sena-
tor Davis' amendment was laid on the
table.

Senator Townsend moved to

Amend line 1, page 4, after the
word "person," add the words "or
firm."

Lost.

Senator Finley moved to

Amend by inserting between lines
23 and 24, page 10, the following:

"When the Comptroller furnishes
collectors with blank occupation tax
receipts, he shall furnish the commis-
sioners' courts with the numbers and
value of the receipts furnished to their
respective collectors, and such courts
shall charge their respective collectors
with the number and such proportion
of the value of the receipts so fur-
nished as shall apply to the county
tax. When such collectors shall make
their settlements with the Comp-
troller, the Comptroller shall furnish
the commissioners' courts with the
numbers and value of the receipts
used and with the numbers and value
of the receipts returned and with th

amount of occupation taxes collected by their respective collectors."

Adopted.

Senator Pope moved to

Amend by adding at the end of line 44, page 9, the following: "Provided, that said express companies may be allowed to sell money orders without paying an additional tax, but said express companies shall not be allowed to charge a greater per cent as commissions than postoffice money orders can be bought for. Provided further, that they shall not be required to sell any order for less than five (5) cents as a commission."

Adopted.

Senator Atlee moved to

Amend on page 8 by inserting in line 23, after the word "buyer," the words, "and every buyer of wool," and after the last word in line 25, the words "or buyer of wool."

Adopted.

Senator Glasscock moved to

Amend by striking out all after the words "tax," in line 10, page 10, and insert the following: "For the State, one dollar for every one thousand dollars loaned by them in each county in which the property is situated upon which a mortgage, deed of trust or other lien is taken, and one-half of the above amount for each county as herein stated."

(Senator McDonald, President pro tem., in the chair.)

Senator Glasscock's amendment was adopted by the following vote:

YEAS—15.

Allen,	Maetze,
Claiborne,	Seale,
Cranford,	Simkins,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Johnson,	Woodward.
Kimbrough,	

NAYS—13.

Abercrombie,	Ingram,
Armistead,	Lane,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Sims,
Davis,	Townsend.
Field,	

Senator Tyler moved to reconsider the vote just taken.

Adopted.

Senator Stephens offered the following amendment to Senator Glasscock's amendment:

Amend amendment by adding there-

to the following: "Such estimate shall be made from the county records, and all sums of money loaned in such county and secured by real estate situated therein, on the first day of January of each year shall form the basis of such estimate for taxation."

Accepted.

Senator Tyler offered the following substitute for the amendment as amended:

Strike out "fifty," in line 10, page 10, and insert "one hundred dollars." (The President in the chair.)

Senator Lane offered the following amendment to Senator Glasscock's amendment:

Amend by adding: "And no additional occupation tax shall be levied by any county, city or town in the State."

Senator Armistead moved the previous question on the amendment.

Seconded.

The main question was ordered.

Senator Lane's amendment was adopted.

Senator Tyler's substitute for Senator Glasscock's amendment was adopted.

The substitute was then adopted as a part of the bill.

Senator Upshaw moved to

Amend section 1, lines 15 and 16, page 4, by striking out "fifteen" in line 14 and insert "ten," and in line 15 strike out "ten" and insert "five."

Adopted by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Seale,
Cranford,	Sims,
Davis,	Simkins,
Field,	Stephens,
Finley,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

NAYS—2.

Frank,	Townsend.
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ABSENT—2.

Claiborne,	Johnson.
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Senator Kimbrough moved to reconsider the vote by which the Senate adopted Senator Tyler's substitute for Senator Glasscock's amendment.

On motion of Senator Lane,
The motion to reconsider was tabled
by the following vote:

YEAS—19.

Abercrombie,	McDonald,
Armistead,	Pope,
Burney,	Seale,
Claiborne,	Simkins,
Davis,	Sims,
Field,	Townsend,
Finley,	Tyler,
Ingram,	Upshaw,
Lane,	Woodward.
Maetze,	

NAYS—8.

Allen,	Frank,
Atlee,	Glasscock,
Burges,	Kimbrough,
Cranford,	Stephens.

ABSENT—1.

Johnson.

Senator Lane moved to
Amend by adding after the word
“papers,” in line 36, page 3, the words
“as their principal business.”

Senator Pope moved to

Amend by adding to line 82, page
10, the following: “And five dollars
to each county through which their
lines may run.”

Senator Stephens moved to

Amend lines 59 and 60, page 6, by
striking out the word “one” in each
line, and insert in lieu thereof the
words “one-half of one,”

Senator McDonald moved the pre-
vious question on the bill and amend-
ments.

Seconded.

The main question was ordered.

Senator Lane's amendment was lost
by the following vote:

YEAS—11.

Abercrombie,	Seale,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Ingram,	Woodward.
Lane,	

NAYS—16.

Allen,	Finley,
Armistead,	Kimbrough,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Simkins,
Cranford,	Tyler,
Davis,	Upshaw.

ABSENT—1.

Johnson.

Senator Pope's amendment was
adopted by the following vote:

YEAS—18.

Abercrombie,	Ingram,
Armistead,	Lane,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Seale,
Davis,	Sims,
Field,	Townsend,
Finley,	Upshaw,
Frank,	Woodward.

NAYS—9.

Allen,	Maetze,
Claiborne,	Simkins,
Cranford,	Stephens,
Glasscock,	Tyler.
Kimbrough,	

ABSENT—1.

Johnson.

Senator Stephen's amendment was
lost by the following vote:

YEAS—7.

Abercrombie,	Lane,
Atlee,	Stephens,
Burges,	Woodward.
Davis,	

NAYS—20.

Allen,	Kimbrough,
Armistead,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw.

ABSENT—1.

Johnson.

The bill, as amended, was ordered
engrossed.

By leave,

Senator Pope sent up

A bill to be entitled “An act ad-
mitting the record certified trans-
cripts from justices courts in same
manner and with like effect deeds are
admitted to record.

Referred to Judiciary Committee
No. 1.

By leave,

Senator Kimbrough sent up

A bill to be entitled “An act to
amend title 15, chapter 3, of the Code

of Criminal Procedure by adding article 1077a thereto, providing fees for sheriffs and other officers summoning or attaching witnesses to attend upon any inquest."

Referred to Judiciary Committee No. 2.

And,

A bill to be entitled "An act to prevent discrimination in passenger rates against persons wishing to visit or immigrate to the State of Texas."

Referred to Committee on Internal Improvements.

By leave,

Senator Burney sent up

A bill to be entitled "An act to amend section 1 of an act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings, water works, sewers, improvements, and to issue bonds therefor, and repeal all laws in conflict therewith, approved March 23, 1887."

Referred to Committee on Education.

On motion of Senator Upshaw,

Substitute Senate bill No. 284, a bill to be entitled "An act to amend title LXXXVI, chapter 1, of the Revised Statutes of Texas, by adding thereto article 4304,"

Was made the special order for Monday morning after morning call.

By leave,

Senator Burney sent up the following committee report

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

House bill No. 19, entitled "An act to amend section 71 of the General Laws of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time.

By leave,

Senator Seale sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Agriculture, In-

surance, Statistics and History, to whom was referred

House bill No. 208, entitled "An act to amend chapter 3, title 92, of the Revised Civil Statutes of the State of Texas, relating to certain duties of State and county officers, by adding thereto article 4544a, providing a penalty for failure or refusal to perform such duties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SEALE,
Chairman.

Bill read first time.

Senator Kimbrough moved to adjourn till 10 o'clock to-morrow morning.

Senator Townsend moved to adjourn till 10 o'clock Monday morning.

The longer time being put first,

The motion to adjourn till Monday was lost by the following vote:

YEAS—13.

Armistead,	Lane,
Burges,	McDonald,
Burney,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Glasscock,	Townsend,
Harrison,	

NAYS—14.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Atlee,	Maetze,
Claiborne,	Sims,
Field,	Stephens.
Finley,	Tyler,
Frank,	Woodward.

ABSENT—2.

Johnson, Upshaw.

Senator McDonald moved to adjourn till 9:55 Monday morning.

Adopted by the following vote:

YEAS—15.

Armistead,	McDonald,
Atlee,	Pope,
Burges,	Seale,
Burney,	Simkins,
Cranford,	Sims,
Davis,	Townsend,
Harrison,	Tyler.
Ingram,	

NAYS—12.

Abercrombie,	Glasscock,
Allen,	Kimbrough,
Claiborne,	Lane,
Field,	Maetze,
Finley,	Stephens,
Frank,	Woodward.

ABSENT—1.

Upshaw.

SIXTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 25, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by Dr. J. H. Luther.

On motion of Senator Stephens, The reading of the Journal of Friday was dispensed with.

On motion of Senator Upshaw, Senator Jarvis was excused till tomorrow on account of sickness in his family.

On motion of Senator Tyler,

The Secretary, C. M. Boynton, was excused till to-morrow.

PETITIONS AND MEMORIALS.

By Senator Cranford:

Petition from citizens of Camp county, asking that the jurisdiction of the county court of said Camp county be restored.

Referred to Judiciary Committee No. 1.

By Senator Finley:

Petition of pharmacists, druggists and citizens of Denison, favoring the passage of a bill to regulate the practice of pharmacy in the State of Texas.

Referred to Committee on Public Health.

By Senator Tyler:

Petition of citizens of Mills county, praying that the civil and criminal jurisdiction of the county court of Mills county be diminished.

Referred to Judiciary Committee No. 1.

After having publicly read its caption, the President gave notice of signing, and did sign, in open session of the Senate,

Senate bill No. 369, "An act to amend an act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1885."

REPORTS OF STANDING COMMITTEES.

By Senator Upshaw:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate Joint resolution No. 13, To amend section 10, article 1, of the Constitution of the State of Texas,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[This bill seeks to amend the Constitution so as to provide that defendants in criminal prosecutions shall have compulsory process only for witnesses material to their defense.

All of which is respectfully submitted.

UPSHAW,
Chairman.

Resolution read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. —, entitled "An act to restore to and confer upon the county court of Camp county the jurisdiction, civil and criminal, heretofore belonging to said county, under the Constitution and General Laws of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act,"

Have had the same under consid-